

# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA

NEW YORK LIFE INSURANCE	)
COMPANY,	)
Plaintiff,	) )
VS.	) Case No.: 5:20-cv-01299-LCB
SHANNAN ROBERTS,	)
PATRICIA ROBERTS, and	)
LEE ANN ROBERTS	)
	)
Defendants.	)

# MOTION TO DISMISS PURSUANT TO RULE 12(b)(1) F.R.C.P. FOR LACK OF JURISDICTION

COMES now, Defendants **PATRICIA ROBERTS & LEE ANN ROBERTS**, and move this Honorable Court to dismiss the above styled cause pursuant to Rule 12(b)(1) F.R.C.P. and in support thereof provide the following:

1. The only claim which Defendant, Shannan Roberts, has to the insurance proceeds set out in the Amended Complaint is based on a Temporary Restraining Order entered by the Circuit Court of Madison County, Alabama and said Temporary Restraining Order is now a nullity and is unenforceable, depriving this Honorable Court of subject matter jurisdiction;

DATED this the 13th day of October, 2020.

# /s/ R. David McDowell

R. David McDowell (MCD023) Attorney for Patricia Roberts & Lee Ann Roberts 401 Holmes Ave., NE Suite D Huntsville, Alabama 35801 (256) 564-7474

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# **CERTIFICATE OF SERVICE**

I hereby certify that on October 13, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to the following:Felicia A. Long, Counsel for Plaintiff, and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: Shannan Roberts, 1400 Sierra Blvd. SE, Huntsville, AL 35801.

# /s/ R. David McDowell

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